

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

ROBERT O. DIGGS, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-3286-CV-S-ODS
)	
JIM ARNOTT, et al.,)	
)	
Defendants.)	

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Pending is Plaintiff's Motion for Reconsideration. (Doc. # 42). Plaintiff requests that this Court reconsider its Order dated January 2, 2013, denying Plaintiff's Third Motion for Extension of Time to file a response to Defendants' Motion for Summary Judgment. The Motion is denied.

On July 6, 2012, Defendants filed their Motion for Summary Judgment. (Doc. # 21). On July 25, 2012, Plaintiff filed his First Motion for Extension of Time (Doc. # 27), after which the Court granted Defendant an additional 90 days to respond to Defendant's Motion for Summary Judgment. (Doc. # 28). On October, 19, 2012, Plaintiff filed his Second Motion for Extension of Time, requesting an additional 60 days to file a response to Defendant's Motion. (Doc. # 29). The Court granted Plaintiff's Motion but stated that because Plaintiff had been granted two lengthy extensions, additional extensions would not be granted barring extraordinary circumstances. (Doc. # 32). Plaintiff was directed to file his Suggestions in Opposition to Defendant's Motion for Summary Judgment on or before December 22, 2012. On December 21, 2012, Plaintiff filed his Third Motion for Extension of Time to file a response to Defendant's Motion for Summary Judgment. (Doc. # 34). The Court denied Plaintiff's Motion because of the absence of extraordinary circumstances. (Doc. # 35).

In his Motion for Reconsideration, Plaintiff argues that he has been "extremely diligent" in litigating this case, but because of his incarceration he has been unable to comply with the Court's time requirements. Plaintiff has failed to show reconsideration

is warranted, and his motion is denied. *Arnold v. ADT Sec. Services, Inc.*, 627 F.3d 716, 721 (8th Cir. 2010) (“Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence.”).

IT IS SO ORDERED.

DATE: February 15, 2013

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT